IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

OP.No. 2077 of 2000(V)

PETITIONERS:-
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1. **K.T.KUTTIALI, S/O.MOOSA,**
   AGED 40 YEARS, CHERUKOTTUKUNNATH HOUSE,
   MADAKKIMALA AMSOM, KALPATTA,
   WAYANADU DISTRICT.

2. **K.P.APPU, S/O.APPUNNI, AGED 38 YEARS,**
   PUVVACHALIL HOUSE, KARIKUTTY AMSOM OF
   KALPATTA OF WAYANAD DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:-
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1. **THE ZILLA PANCHAYAT, WAYANADU,**
   KALPATTA, REP: BY ITS SECRETARY.

2. **STATE OF KERALA, REP: BY SECRETARY TO**
   GOVERNMENT, PERSONAL AND ADMINISTRATIVE
   REFORMS DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.P.N.SANTHOSH.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

ORDER ON CMP.NO.3118 OF 2000 IN OP.NO.2077 OF 2000-V.

28.9.2007. **Sd/- T.R.Ramachandran Nair, Judge.**

Petitioners' Exhibits:-

Ext.P1: **Copy of the certificate dtd.10.12.1999 issued by the Zilla Panchayat stating that the 1st petitioner is employed as Driver.**

Ext.P2: **Copy of the certificate dtd.10.12.1999 issued by the 1st respondent stating that the 2nd petitioner is working as a driver.**

Ext.P3: **Copy of the order dtd.16.8.1999 issued by the Government.**

Respondents' Exhibits:- **Nil.**

(true copy)

P.A. TO JUDGE.

Kvs/-

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 2077 of 2000-V.

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Dated this the 28th day of September, 2007.

J U D G M E N T

The petitioners are working as Drivers under the first respondent District Panchayat. Aggrieved by the action taken by Government to terminate temporary employees, this writ petition was filed. As per interim order dated 19.1.2000 the petitioners have been permitted to continue in service also.

2. The learned Government Pleader points out that as per Government Order – GO(P).No.199/2000/LSG dated 13.7.2000 the appointment to the post of Drivers have been left to the purview of the Public Service Commission. Therefore, the P.S.C. will have to conduct selection to the post.

3. The petitioners who are working only on a temporary basis have no claim for regularisation but they will be entitled to compete if a notification is issued by the P.S.C. and if they satisfy the requirements of the eligibility criteria fixed as per such notification. Till the respondents take steps to appoint candidates by the P.S.C. the petitioners will be allowed to be continued in service. They shall not be replaced by other temporary hands. With the above direction, this Original Petition is disposed of. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-